IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 159 OF 2007.

Leo Miranda
(since deceased through LRs.)
Mrs.Griselda Dias and others. ... Petitioners.
Versus.
Mrs.Doris Henriques and another. ... Respondents.

Shri C.R.Dalvi i/by Shri Rohit Paraskar for the Petitioners.

Shri P.K.Dhakephalkar, Senior Counsel i/by Shri Amol Mhatre for the Respondents.

CORAM : ABHAY S.OKA, J.

DATED : 26th April, 2007.

P.C.:

1. The learned Counsel appearing for the Petitioners states that he is not pressing the Revision Application on merits. He, however, submits that a longer time to vacate be granted. In so far as grant of time is concerned, the learned Counsel for the Respondents has left it to the Court.

2. The Petitioners are not pressing the Revision Application on merits and therefore, decree passed by the Appellate Court will now attain finality. Considering the facts and circumstances of the case, time of two years deserves to be granted to vacate the premises subject to the Petitioners filing usual undertaking to vacate.

3. Hence the following order is passed:

(i) Civil Revision Application is dismissed as not pressed with no order as to costs.

(ii) Notwithstanding the dismissal of the Revision Application, the decree for possession shall not be executed till 30th April 2009, subject to the Petitioners filing in this Court usual undertaking to vacate the suit premises and hand over possession thereof to the Respondents. The undertaking shall be filed in this Court within six weeks from today.

(iii) If the undertaking is not filed within the stipulated period of six weeks, the decree for possession shall forthwith become executable.

(iv) Parties to act on an authenticated copy of this order.

Judge.